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PTO/SB/65 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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	to respond to a collection of information unless it displays a valid Own control number.
TITION TO ACCEPT UNAVOIDABLY DEL	
AINTENANCE FEE IN AN EXPIRED PATE	NT (37 CFR 1.378(b)) PECEIVED
Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450 Fax: (571) 273-8300	OCT 17 2011  OFFICE OF PETITIONS  eting this form, please contact Petitions Information at
NOTE: If information or assistance is needed in comple (571) 272-3282.	suing time form, piease contact i estacio imprimation at
Patent Number: <u>6,059,140</u>	Application Number.
Issue Date: <u>5-9-00</u>	Filing Date: 3-5-99
number (or reissue patent number, if a re	payment must correctly identify: (1) the patent issue) and (2) the application number of the actual eading to issuance of that patent to ensure the fee(s) 37 CFR 1.366(c) and (d).
Also complete the following information, if applicat	ole:
The above-identified patent:	
is a reissue of original Patent No.	original issue date;
original application numberoriginal filing date	
resulted from the entry into the U.S. under	
CERTIFICATE OF MAILIN	G OR TRANSMISSION (37 CFR 1.8(a))
I hereby certify that this paper (along with any paper r	eferred to as being attached or enclosed) is
(1) being deposited with the United States Postal Sermail in an envelope addressed to Mail Stop Petition, 0 1450 OR	vice on the date shown below with sufficient postage as first class Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
(2) transmitted by facsimile on the date shown below 8300.  9-29-11  Date	to the United States Patent and Trademark Office at (571) 273-

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<ol> <li>SMALL ENTITY         Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27</li> <li>LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS         Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)</li> <li>MAINTENANCE FEE (37 CFR 1.20(e)-(g))</li> <li>The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.</li> </ol>								
	NOT Small Entity Small Entity							
	Amount Fe	•	Amoun	_	(Code)			
	3 ½ y		\$ _	3 ½ yr fee	(2551)			
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				ce fee being subm od on 5/17/11 - C				
4. S	URCHARGE  The surcharge require condition of accepting	ed by 37 CFR 1.20(i)(1) o unavoidably delayed pa SURC	yment of the mai	_ (Fee Code 1557) mintenance fee.  EING SUBMITTED \$ _  Pd on 5/17/11 -				
5. MANNER OF PAYMENT  Enclosed is a check for the sum of \$  Please charge Deposit Account No the sum of \$  Payment by credit card. Form PTO-2038 is attached.								
6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY  The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No								
i								

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT
As to any overpayment made, please
Credit to Deposit Account No.
OR
Send refund check
WARNING:
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.
8. SHOWING
The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.
9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.
Signature(s) of Petitioner(s)  Q - 29 - 11  Date
Dange Ward
Typed or printed name(s)  Registration Number, if applicable
PO BOX 804, 2402 East 6th Ave 254-899-7169  Address Telephone Number
Belton, TX 76513 Address
ENCLOSURES:  Maintenance Fee Payment  Statement why maintenance fee was not paid timely  Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
fees, surcharge, and petition fee.
Previous correspondence

PTO/SB/65 (03-09)

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37 CFR 1.378(d) states: "Any petition under this section must be registered to practice before the Patent and Trademark Office, or other party in interest."	
Rinal Wald	9-29.11 Date
RevaeWard Type or printed name	Registration Number, if applicable
STATEMENT  (In the space below, please provide the showing of unavoidable de	elav recited in paragraph 8 above.)
See 2 page document attached	
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(Please attach additional sheets if additional sp	ace is needed)



#### STATEMENT FOR 37 CFR 1.378 (b)

As requested by USPTO on August 19, 2011, we are filing a renewed petition under 37 CFR 1.378 (b). The patent expired after payment was not received by USPTO for the 2<sup>nd</sup> maintenance fee. We sent Check #81940 (copy attached) to USPTO's Pennsylvania Address for the 2<sup>nd</sup> maintenance fee of \$1,180 on October 10, 2007. We did not receive the check back nor did we get any kind of notification that the payment had not been received. Additionally, we did not receive notice that the patent was going to expire or that it had expired. Up until the 3<sup>rd</sup> maintenance fee payment was sent in 2011, we believed this patent was in good standing.

On March 28, 2011, the 3<sup>rd</sup> maintenance fee payment was mailed (Check#90953 copy attached) in the amount of \$2,055. This check was originally mailed to the USPTO's Pennsylvania address as well. However, we received this check back and re-mailed it immediately to the new address in Virginia.

On April 13, 2011 we received notice by USPTO that the patent had expired and the check was returned. We immediately began researching the issue and filed a timely response, which began with our letter dated May 17, 2011 where we were told to file a petition. The petition was mailed on July 11, 2011. On August 19, 2011 in response to the July 11 petition, we received a letter from the USPTO recommending that we file a renewed petition under 1.378 (b).

All documents and past correspondence are attached that outlines all details. In that documentation you will find that we mailed the payment timely for both the 2<sup>nd</sup> and 3<sup>rd</sup> maintenance fees due in 2007 and 2011 respectively. Additionally, upon researching the issue after being informed that the patent had expired, we found out that the correspondence address was incorrect on the patent and that is why we did not receive a notification of problems with the payments nor notification that the patent was going to expire. I can assure you that had we received any notification, we would have addressed the issue immediately. And finally, upon researching the original check mailed, while we were unable to validate the check within our system due to a software change, we were able to confirm that the USPTO did not cash the check as we have verified with the bank that the original check has not cleared the bank.

We respectfully ask that you accept this renewed petition and revive the patent that expired. This patent is vital to our operation and our competitiveness in the marketplace. We believed this patent was in good standing and that is why the 3<sup>rd</sup> maintenance fee payment was made as scheduled for the 11 ½ year fee in 2011. Upon first finding out there was a problem with the patent, we acted timely and made all necessary payments as requested along the way promptly as well.

It is quite clear based on the information supplied, that the patent should be revived due to unavoidable circumstances. The payment was sent in a timely manner on October 10, 2007 which is evidenced by the copy of the check mailed. Additionally, upon being informed that there was a problem with the patent on April 13, 2011, we promptly contacted the USPTO beginning in May 2011, which resulted in a petition being filed on July 11, 2011. In response to our July 11, 2011 petition, we received notification on August 19, 2011 from the USPTO that we should file a petition under 37 CFR 1.378 (b).

All payments required I think have been previously submitted. Along with our May 17, 2011 letter, we resubmitted as requested a check for the 2<sup>nd</sup> maintenance fee (7 ½ year check #91289 attached). This was to replace the check not received by USPTO in October 2007. We were told to re-submit the check at the new rates for the 7 ½ year maintenance fee. Additionally, we re-submitted check #91290 for the 3<sup>rd</sup> maintenance fee due (11 ½ year) as the previous check sent was returned. We also sent Check#91291 for the \$700 surcharge. And finally, along with our July 11, 2011 petition, we sent Check #91639 for the \$200 petition fee.

We sincerely appreciate your help on this matter and look forward to getting this issue resolved. If there is any additional information that I can help you with in considering this matter, please do not hesitate to contact me.

Renae Ward, Corporate Vice President

Custom Printing II Ltd

Senae War

10039 UNITED STATES PATENT & TRADEMARK OFFIC

CHECK: P0000081940

DATE:

10/10/2007

OICE	DATE	VOUCHER	COMMENT	AMOUNT	DISCOUNT	NET AMOUNT
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Ch # 90953 **UNITED STATES PATENT** Date 03/29/11 Net invoice amt Discount **Deductions** Invoice # Invoice amt ∮Ínv date 2,055.00 0.00 03/28/11 P# 6059140 2,055.00 0.00 2,055.00 0.00 TotalsCustom Printing II, Ltd. 2,055.00 Date 03/29/11 605914 UNITED STATES PATENT Net invoice amt Deductions **Discount** Invoice# Inv date Invoice amt 2,055.00 0.00 03/28/11 2,055.00 Patent #4,059,140 5,2011 Maintenance f istom Printing II. Ltd. 90953 Custom Printing II, Ltd. PO Box 804% & #3 Extraco Banks PO Box 6101 Temple, TX 76503-6101 \*\*\*\*\*2,055.00 TO THE ORDER UNITED STATES PATENT

**Best Available Copy** 

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UNITED STATES PATENEEst Available Copy Invoice #

Invoice amt

Date 05/17/11 **Deductions** 

Ch # 91289 **Discount** 

Net invoice amt 1,240.00

2007-MAINT 7.5 yr

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Patent # 6059140

Custom Printing II, Ltd.



Custom Printing II, Ltd. PO Box 8047 9 9 8 Belton, TX 76513-0804 (254)-939-9373



Extraco Banks PO Box 6101 Temple, TX 76503-6101

Ch# 912898/1119

DATE

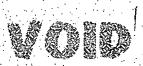


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TO THE ORDER

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SECURITY FEATURES INCLUDED, DETAILS ON BACK

UNITED STATES PATENT
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Date 05/17/11 **Deductions** 

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Net invoice amt

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Patent # 6059140

Custom Printing II,⊀Ltd.

Custom Printing II, Ltd. PO Box 804 PBelton, TX 76513-0804 (254)-939-9373

Extraco Banks PO Box 6101 Temple, TX 76503-6101

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TO THE **ORDER** OF

UNITED STATES PATENT AND TRADEMARK OFFICE PO BOX 979070° 🐼 LOUIS, MÔ 63197



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Patent # 6059140

Custom Printing II; Ltd

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Custom Printing II, Ltd: PO Box 804 / Belton, TX 76513-0804 (254)-939-9373

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Extraco Banks PO Box 6101 Temple, TX 76503-6101 91291 Ch# 9129<sup>38/1119</sup>

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TO THE ORDER OF

UNITED STATES PATENT AND TRADEMARK OFFICE PO BOX 979070 ST LOUIS MO 63197



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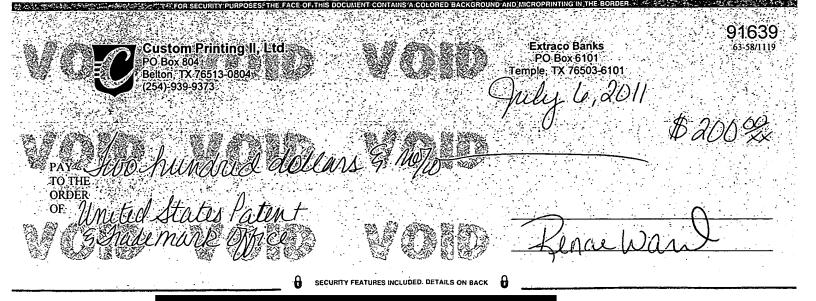
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#### **Custom Printing II, Ltd.**

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# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO.

: 6,059,140

DATED

: May 9, 2000

INVENTOR(S): Michael E. Hicks

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Item [75], delete the name and address "Michael E. Hicks, Mesquite, Texas" and insert therefor the name and address -- Thomas L. Vorderkunz, Waco, Texas --.



Signed and Sealed this

Twenty-sixth Day of November, 2002

Attesting Officer

JAMES E. ROGAN

Director of the United States Patent and Trademark Office



## UNITED STATES PATENT AND TRADEMARK OFFICE

Under Shoketary of Commence for Intellectual Problets and DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OPPICE

JULY 13, 2006

PTAS

CORRECTED NOTICE

TIMOTHY S. CORDER VISON & ELKINS, L.L.P. 2 MIIA FORTUNA, SUITE 100 AUSTIN, TX 78746

> UNITED STATES PATENT AND TRADEBARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENGLOSED DOCUMENT HAS DEEN RECORDED BY THE NSSIGNMENT DEVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPUNITE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DAT PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OF HAVE OBSETTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272 3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE MAIL ETOP: ASSIGNMENT SERVICES BEANCH, P.O. BOX 1450, ALEXANDRIA VA 22313.

RECORDATION DATE: 06/28/2006

REEL/FRAME: 017870/0349 NUMBER OF PAGES: 5

BRIEF: FINDINGS OF PACT AND ORDER OF DISMISSAL DOCKEY NUMBER: COSSS45/3-001

ASSICNOR:

NUMO MANUPACTURING ACQUISTION CORPORATION

DOC DATE: 01/30/2001

ASSIÈNEE:

GUSTOM ENLINTING, INC. 2402 EAST 6TH AVENUE BELTON, TEXAS 76513

SERIAL NUMBER: 09263127 PATENT NUMBER: 6059140

FILING DATE: 03/05/1999

ISSUE DATE: 05/09/2000

TITLE: INSULATED JACKET FOR A BEVERAGE CONTAINER AND BLANK AND WELHOD FOR

FABRICATING SAME



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CUSTOM PRINTING II, LTD. P.O. BOX 804 BELTON, TX 76513-0804

April 13, 2011

# NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

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and SPTO during Notice.)
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REGARDING PATENT NUMBER: 6059140	PAYMENT STATUS:
Payment Amount Received: \$	Payment will be refunded electronically by EFT.
PAYMENT RECEIPT DATE 04/08/2011 (Mailroom Date Stamp)	
Your payment was not accepted for the following reason	(s):
1. The maintenance fee for the above-identified patent was pre-	viously paid on 8 below.
2. The patent expired on <u>05/09/2008</u> . See "Patent Expirat	ion" section below.
3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant for the above-identified patent on	
4. Your payment was not sufficient to cover the maintenance for patent. An additional amount of \$ is/was required	ee and any required surcharge for the aboveidentified ed.
5. The above-identified patent was reissued. In accordance wit application number must be provided.	
6. The payment did not include corresponding patent and appli	ication numbers, and was not specially accepted.
7. The above-identified patent is not subject to maintenance fee before 12/11/80. No maintenance fees are due on design pa (The "Resubmitting Maintenance Fee Payment" and "Paten	es. No maintenance fees are due on utility patents filed
8. Other:	•
Resubmitting Maintenance Fee Payment	
The six (6) month "grace period" for paying the maintenance fee ends on In addition to the maintenance fee of \$ the 6 month "grace period" is required to include a surcharge of \$	for the above identified patent begins on and
To avoid patent expiration, the maintenance fee plus any required all of the indicated reason(s) for payment non-acceptance and mus period" ends. Send by facsimile to the Office of Finance, Mainte following address: Mail Stop M Correspondence, Director of the to the attention of the individual who has signed below.	surcharge must be resubmitted in a manner that rectifies the filed on or before the date the 6 month "grace nance Fee Branch at (571) 273-6500, or by mail to the
Patent Expiration	
The date the six (6) month "grace period" ends becomes the expir amount for paying the maintenance fee is not filed in the USPTO to be reinstated if a petition as set forth in 37 CFR 1.378 is granted number 5 or 6 above is the only reason indicated for payment non-accepted if resubmitted with a petition as set forth in 37 CFR 1.37	by that date. See 37 CFR 1:362(g). Expired patents may If the above identified patent has expired and reason acceptance, it is possible that the payment may be
If you have any questions regarding this Notice, contact the Office of Fin Please ask for the individual who has signed below.	unce, Maintenance Fee Branch at (571) 272-6500.
Kieu Tran (571) 272-6322  Printed Name of USPTO Representative	Signature of USPTO Representative
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NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the <a href="https://www.uspto.gov">www.uspto.gov</a> website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.



Custom Printing II, Ltd. 2402 East Sixth Avenue P.O. Box 804 Belton, TX 76513 254/939-9373 254/939-1322 FAX 800/234-5740 WATS 800/330-4CPI WATS www.customcrest.com

May 17, 2011

United States Patent and Trademark Office Attention: Office of Petitions
PO Box 1450
Alexandria, VA 22313-1450

Re: 377 Petition -- Patent Number 6,059,140

Please accept this letter as a petition to revive a patent that you recently informed us has expired. In a phone conversation with April, I was advised to send a letter of explanation & proof that we sent in our last two maintenance payments. We just recently were informed that this patent expired when we made the 11 year patent maintenance fee payment in March of 2011. Apparently, our previous payment made in 2007 was not received by USPTO. As requested, please see below for details surrounding the payments on this patent.

- A check in the amount of \$2,055 was mailed on 3/29/2011 for the 11 year maintenance fee. It was check#90953. The check was mailed to USPTO in Pittsburg, PA. It was returned to us for address change. We forwarded the check to the new address in VA. This payment was received by the USPTO office in a timely manner.
- We received a notice on April 20, 2011 that the payment was not accepted because the patent had expired on 5/9/2008. I immediately called the patent office and discussed the problem with Kieu Tran. In our discussion, she stated that USPTO did not show receiving the payment that we mailed in 2007. At that time, I faxed over all relevant data to Kieu Tran. Upon speaking with her on May 13, 2011, she informed me that I would have to contact the office of petitions.
- The 7 year maintenance fee payment was paid by check in the amount of \$1,180. The check was mailed out on 10/10/2007. It was check #81940. The check was mailed to USPTO, Po Box 371611, Pittsburg, PA 15250. A copy of the stub that I kept in my file is attached.
- We never received a notice that the patent had expired and obviously in fact believed that this patent was still in force. Upon speaking with Kieu Tran, I checked into why we would not have received an expiration notice, and found that the original patent attorneys Kennedy Covington Lobdell & Hickman out of North Carolina were still listed as the contact for this patent. They were the attorneys for our competitor. We were awarded rights to this patent in the settlement of a lawsuit. If a notice was sent to them, they never bothered to re-forward it to us. I verified with all staff involved here on our end, and can assure you that we did not receive any notice of the expiration of this patent. If we had, we would have taken prompt action!

I can assure you that we would never have knowingly let this patent expire. We made payments in 2004, 2007, and this last one in 2011. We did not know that the payment was not received in 2007. Additionally, we did not receive an expiration notice. Had we received a notice of expiration, we would have acted upon it promptly. Upon receiving our 11 year payment back and finding out that the patent had expired, we immediately got to work to find out what happened as well as how to revive the patent promptly.









This item that we have patented is an extremely important product for our business. We are in a highly competitive industry and this product is one of the leaders within our industry. It is imperative that this patent remain in force. We are willing to pay any fees associated with reviving the patent. From what I understand, you will need us to resubmit the 7½ yr payment that you did not receive at the current rate of \$1,240, the 11½ yr payment of \$2,055 as well as a \$700 surcharge since it has expired. If there are any other fees, just let us know and we will submit all payments promptly!

It is quite clear based on the information supplied above that the patent should be revived due to unavoidable circumstances. The unavoidable circumstances are two fold. First, we made the patent maintenance fee payments in plenty of time in both 2007 and again in 2011. Second, we never received an expiration notice so that we could quickly see why the patent had been slated for expiration. Had we received a notice, we would have researched the 2007 payment much earlier to see that it had not been applied and would have had the opportunity to resubmit another payment immediately if necessary. Included are the separate checks for the 2007 (7½yr) payment of \$1,240, the 2011 (11½yr) payment of \$2,055 that had been refunded to us by USPTO, and a check for the \$700 surcharge fee. Additionally, I will need to know what I need to do to change the correspondence address to ensure that we receive all communication in the future. Please feel free to contact me at (254)899-7169. Your consideration into this matter is greatly appreciated.

Best Regards, Renae Ward, Corporate Vice President Custom Printing II Ltd PO Box 804 Belton, Texas 76513



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CUSTOM PRINTING II, LTD. P.O. BOX 804
BELTON, TX 76513-0804

April 13, 2011

## NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 6059140 PAYMENT STATUS: Payment will be refunded electronically by EFT. (ned)

Proof 11.5 Threed

Sent & Century Payment Amount Received: \$ 2,055.00 Payment Year \_\_\_\_11.5 (e.g., 3.5, 7.5, 11.5) PAYMENT RECEIPT DATE (Mailroom Date Stamp) Your payment was not accepted for the following reason(s): 1. The maintenance fee for the above-identified patent was previously paid on ☐ Information regarding the previous payment is stated in item 8 below. 2. The patent expired on <u>05/09/2008</u>. See "Patent Expiration" section below. 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the aboveidentified patent. An additional amount of \$\_\_\_ \_\_\_\_ is/was required. 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided. 6. The payment did not include corresponding patent and application numbers, and was not specially accepted. 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.) ☐ 8. Other: \_\_\_\_ Resubmitting Maintenance Fee Payment The six (6) month "grace period" for paying the maintenance fee for the above identified patent begins on \_. In addition to the maintenance fee of \$\_\_\_\_\_\_, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ \_\_\_. (See "Note" at the bottom of this Notice.) To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and must be filed on or before the date the 6 month "grace period" ends. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450. to the attention of the individual who has signed below. **Patent Expiration** The date the six (6) month "grace period" ends becomes the expiration date of the above identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1:362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378. If you have any questions regarding this Notice, contact the Office of Firance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below. Kieu Tran (571) 272-6322 Printed Name of USPTO Representative Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the <a href="https://www.uspto.gov">www.uspto.gov</a> website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

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**UNITED STATES PATENT** 605914

Inv date

Invoice #

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Date 05/17/11

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Patent # 6059140

Custom Printing II. Ltd.

Custom Printing II, Ltd. PO Box 804 & Belton, TX 76513-0804 (254)-939-9373



Extraco Banks PO Box 6101 Temple, TX 76503-6101

91289 Ch # 912898/1119

DATE

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TO THE ORDER

UNITED STATES PATENT AND TRADEMARK OFFICE

PO BOX 979070 🧦

ST LOUIS, MO 63197



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Patent # 6059140

Custom Printing II; Ltd.

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Extraco Banks PO Box 6101 Temple, TX 76503-6101

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**UNITED STATES PATENT** 

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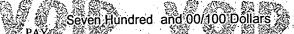
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Custom Printing II, Ltd:👯





Extraco Banks PO Box 6101 Temple, TX 76503-6101



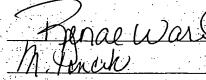
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Custom Printing Inc 2402 East Sixth Avenue PO Box 804 Belton, TX 76513 254/939-9373 254/939-1322 FAX 800/234-5740 WATS 800/330-4CPI WATS www.customcrest.com

July 11, 2011

United States Patent and Trademark Office

Attention: Douglas I. Wood

PO Box 1450

Alexandria, VA 22313

Re: 377 Petition - Patent Number 6,059,140

This letter is in reference to the petition and patent number as shown above. Please find our original statement submitted May 17, 2011 that outlines the details surrounding the payments on this patent. The 2<sup>nd</sup> maintenance fee payment that was sent to the USPTO on October 10, 2007 was for \$1,180 check #81940. A copy of the check that I kept in the file is attached. I believe that the payment may not have been received by the USPTO as the payment was sent to PA, just like the first and third payment. However, unlike with the 3rd maintenance fee that was paid on 3/29/11, I did not receive any notification of an address change nor did I receive the check back. Therefore, I had no reason to believe there was a problem with the 2<sup>nd</sup> maintenance fee payment. In fact, I was not made aware that the patent had been allowed to expire until after we mailed the third maintenance fee payment. All 3 payments were submitted to the PA address. The first check that was sent to the PA address was processed, the second check sent to the PA address does not appear to have been processed nor was it returned to us with an address correction, the third check which was also sent to the PA address was returned with an address correction and then immediately remailed to VA. Upon receipt of the third payment by the USPTO in VA, we were notified that the patent had expired. As explained previously, in researching this matter further, I found that we did not receive a notice of expiration because the address on file for the patent correspondence (unbeknownst to us) was for the original attorneys Kennedy Covington Lobdell and Hickman out of North Carolina, which were the attorneys for our competitors at the time we were awarded the rights to this patent in the settlement of a lawsuit. We were not notified of the expiration of this patent by these attorneys either.

Your help in this matter is most appreciated. As mentioned in our previous letter of May 17, 2011, this item that we have patented is an extremely important product for our business. It is quite clear based on the information supplied that the patent should be revived due to unavoidable circumstances, which are two fold. First, the patent maintenance fees were paid in a timely manner to the PA address on file in both 2007 and 2011 as evidenced by checks attached. Second, we never received an expiration notice so that we could quickly see why the patent had been slated for expiration. If we had received a notice, we would have immediately researched the situation and taken immediate action to resolve the matter. However, it did not come to our attention that the patent had expired until we submitted the third payment as scheduled. Upon receiving notice that there was a problem with this patent, we immediately began to research and respond in a timely fashion.

With my May 17, 2011 letter, I resubmitted per your instructions three separate checks, one for \$1,240 which represents the 2007 payment (current 7 ½ year fee) and a check for \$2,055 which represents the 2011 payment (11 ½ year fee) and a check for \$700 which represents the surcharge fee. With this letter, please find the petition fee of \$200 which is attached as requested in your letter dated 6/23/11. I have also attached the statement under 37 CFR 3.73 ( b ) as I, the assignee, has signed this petition. I have also attached the form to change the address for all future correspondence concerning this patent.

We appreciate your consideration in this matter. If there is any additional information or monies that are due, please do not hesitate to contact me. My email is <a href="mailto:renaew@customcrest.com">renaew@customcrest.com</a>. My phone number is (254)899-7169. I will address any concerns that you may have immediately so that we may get this matter resolved as quickly as possible.

Best Regards,

Renae Ward, Corporate Vice President

**Custom Printing Inc** 

Custom Printing II, Ltd.

United States Patent & Judemark Office Patent # 6,059, 140 - 377 petition fee

7/06/11

CR#91639

\$ 200.00

Custom Printing II, Ltd.



Extraco Banks
PO Box 6101
Temple, TX 76503-6101

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Renae Ward

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PTO/SB/96 (07-09) Approved for use through 07/31/2012. OMB 86 051-0391
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Pagerwork Redugater Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)						
Applicant/Patent Owner: Custom Printing, Inc.						
Application No./Patent No.: 09/263,127/6,059,140 Filed/Issue Date: 3-5-99 Titled: Insulated jacket for a beverage container	15-9-00					
Tilled: Insulated ja'cket for a béverage container	and blank					
and method for fabricatingsame.						
Custom Printing, Inc. a corporation						
-(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, univ	rersity, government agency, etc.					
states that it is:	RECEIVED					
1. the assignee of the entire right, title, and interest in;	RECLIVED					
2. an assignee of less than the entire right, title, and interest in	OCT 17 2011					
an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is%); or	OFFICE OF PETITIONS					
3. The assignee of an undivided interest in the entirety of (a complete assignment from one of the						
the patent application/patent identified above, by virtue of either:	, , , , , , , , , , , , , , , , , , , ,					
A. X An assignment from the inventor(s) of the patent application/patent identified above. The ass	ignment was recorded in					
the United States Patent and Trademark Office at Reel , Frame						
copy therefore is attached.  OR	·					
B. A chain of title from the inventor(s), of the patent application/patent identified above, to the cu	rrent assignee as follows:					
1. From: To:						
The document was recorded in the United States Patent and Trademark Office at						
Reel, Frame, br for which a cop	y thereof is attached.					
2. From: To:						
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Additional documents in the chain of title are listed on a supplemental sheet(s).						
As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.	nal owner to the assignee was,					
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be subn	nitted to Assignment Division in					
accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPE						
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.	-1"11 (1.1")					
- Allal Ward	1. 1. 1					
Signature	Date					
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This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/123 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

#### Patent Number **CHANGE OF** Issue Date **CORRESPONDENCE ADDRESS Application Number** Patent Filing Date Address to: Mail Stop Post Issue First Named Inventor Commissioner for Patents Thomas L Vorderkunz P.O. Box 1450 Attorney Docket Alexandria, VA 22313-1450 17958.001 Number

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☐ Patentee.			
Assignee of record of the entire interest. See 37 Statement under 37 CFR 3.73(b) is enclosed. (I		6).	
Attorney or agent of record. Registration Number	er	·	
Signature RIOGE WIGHT			
Typed or Printed Name Renge \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
Date 7-7-1)		Telephone (754)	1939-9373
NOTE: Signatures of all the inventors or assignees of record of the if more than one signature is required, see below.	entire interest or	their representative(s) are r	equired. Submit multiple forms
*Total of forms are submitted.			

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO.

: 6,059,140

DATED

: May 9, 2000

INVENTOR(S) : Michael E. Hicks

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

#### Title page,

Item [75], delete the name and address "Michael E. Hicks, Mesquite, Texas" and insert therefor the name and address -- Thomas L. Vorderkunz, Waco, Texas --.



Attesting Officer

Signed and Sealed this

Twenty-sixth Day of November, 2002

JAMES E. ROGAN Director of the United States Patent and Trademark Office



### UNITED STATES PATENT AND TRADEMARK OFFICE

Under Secretary of Commency for Intellectual Property and Diffector of the United States Patent and Trademark Office

JULY 13, 2006

PTAS

TIMOTHY S. CORDER VISON & BLKINS, L.L.P. 2 MILA FORTUNA, SUITE 100 AUSTIN, TX 78746 CORRECTED NOTICE

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ESSIGNMENT DOCUMENT

THE ENGLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPUSITE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272 3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA. VA 22313.

RECORDATION DATE: 06/28/2006

REEL/FRAME: 017870/0349 NUMBER OF PAGES: 5

BRIEF: FINDINGS OF FACT AND ORDER OF DISMISSAL DOCKEY NUMBER: CUSSS45/3-001

ASSIGNOR:

NUMO MANUPACTURING ACQUISTION CORPORATION

DOC DATE: 01/30/2001

ASSIGNEE:

CUSTOM ERINTING, INC. 2402 EAST 6TH AVENUE BELTON, TEXAS 76513

SERIAL NUMBER: 09263127 PATENT NUMBER: 6059140 FILING DATE: 03/05/1999 ISSUE DATE: 05/09/2009

TITLE: INSULATED JACKET FOR A BEVERAGE CONTAINER AND BLANK AND NETHOD FOR

FABRICATING SAME

**VENDOR**: CHECK: UNITED STATES PATENT & TRADEMARK OFFIC REMIT TO

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Ch # 90953 Date 03/29/11 **UNITED STATES PATENT** Net invoice amt Discount **Deductions** Inv date Invoice # Invoice amt 2,055.00 0.00 2,055.00 03/28/11 P# 6059140 2,055.00 0.00 0.00 Totals Custom Printing II, Ltd. 2,055.00 90953 Date 03/29/11 605914 UNITED STATES PATENT Net invoice amt **Discount** Deductions Inv date Invoice # Invoice amt 2,055.00 0.00 2,055.00 03/28/11 P# 6059140 Patent # 6,059 140 Egolf Mountenance istom Printing II. Ltd. 90953 Extraco Banks Custom Printing II, Ltd. PO Box 804% (1) PO Box 6101 Temple, TX 76503-6101 Belton, TX 7<u>65</u>1 (254)-939-9373 \*\*2,055.00 TO THE ORDER UNITED STATES PATENT

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